

**Notice of Allowability****Application No.**

10/532,174

**Applicant(s)**

FINKENZELLER ET AL.

**Examiner**

MARSHALL MCLEOD

**Art Unit**

2454

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/27/2010.
2. ☒ The allowed claim(s) is/are 56,57 and 60-77.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 11/04/2010.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ralph G. Fischer registration number 55,179 on 11/04/2010.

56. (Currently Amended) A method for selecting network access to at least one data network using a telecommunication terminal device comprising:

the telecommunication terminal device selecting access to a first network;

the telecommunication terminal device connecting to the first network;

the telecommunication terminal device determining a location of the telecommunication terminal device with the aid of the first network;

the telecommunication terminal device recording and saving quality of service information for the first network while connected to the first network;

the telecommunication terminal device saving location data comprised of information relating to the determined location;

the telecommunication terminal device linking the saved location data to the recorded and saved quality of service information for the first network;

the telecommunication terminal device disconnecting from the first network;

the telecommunication terminal device determining that a plurality of networks are available, the available networks comprising the first network and at least one second network;

the telecommunication terminal device analyzing the saved quality of service information and saved location data for the first network to select access to one of the first network and a second network of the at least one second network;

the telecommunication terminal device selecting access to one of the first network and the second network of the at least one second network; and

the telecommunication terminal device connecting to the selected first network or the second network of the at least one second network; and ~~network.~~

wherein the telecommunication terminal device determines the location of the telecommunication terminal device and performs the linking of the saved location data while the telecommunication terminal device is connected to the first network; and

wherein the analyzing of the saved quality of service information for the first network to select access to the first network or the second network of the at least one second network considers the location information linked to the recorded and saved quality of service information for the first network.

57. (Currently Amended) The method of claim 56 wherein the telecommunication terminal device is one of a mobile radio terminal, a computer, and a laptop and the analyzing of the saved quality of service information for the first network to select access to the first network or the second network of the at least one second

network is based on an analysis method that depends upon at least one user defined parameter.

58. (Cancelled)

59. (Cancelled)

60. (Currently Amended) A method for selecting network access to at least one data network using a telecommunication terminal device comprising:

the telecommunication terminal device selecting access to a first network;

the telecommunication terminal device connecting to the first network;

the telecommunication terminal device recording and saving quality of service information for the first network;

the telecommunication terminal device saving location data comprised of location information relating to a determined location of the telecommunication terminal device while connected to the first network, wherein the telecommunication terminal device determines the determined location of the telecommunication terminal device and links the saved location data while the telecommunication terminal device is connected to the first network;

the telecommunication terminal device disconnecting from the first network;

a plurality of networks being available, the networks comprising the first network and at least one second network;

the telecommunication terminal device analyzing the saved quality of service information for the first network to select access to one of the first network and a second network of the at least one second network, wherein the analyzing of the saved quality of service information for the first network to select access to the first network or the second network of the at least one second network considers the location information linked to the recorded and saved quality of service information for the first network;

the telecommunication terminal device communicating with at least one other telecommunication terminal device to obtain quality of service information for the at least one second network for use in determining which network to select;

the telecommunication terminal device selecting access to one of the first network and the second network of the at least one second network; and

the telecommunication terminal device connecting to the selected second network or the selected first -network.

61. (Currently Amended) A telecommunication terminal device comprising:  
at least one interface for connecting to at least one network;  
a monitor module connected to the at least one interface, the monitor module configured to monitor a quality of a network connection between the telecommunication terminal device and a network when the telecommunication terminal device is connected to the network;

a reputation repository module connected to the monitor module, the reputation repository module configured to retain quality of network connection information monitored by the monitor module;

a connection analysis module connected to the reputation repository module, the connection analysis module configured to analyze network connection information retained in the reputation repository module; and

a connection management module connected to the connection analysis module, the connection management module configured to use data analyzed in the connection analysis module to determine an accessible network to select for connection to a network; and

the telecommunication terminal device configured to determine a location of the telecommunication terminal device ~~is in~~ when connected to the network and link that location with saved quality of network connection information such that the connection analysis module can access and evaluate the location information when analyzing network connection information;

wherein the telecommunication terminal device determines the location and performs linking of the saved location information while the telecommunication terminal device is connected to the network; and

wherein the telecommunication terminal analyzes the retained quality of network connection information for the network to select access to the network or another network and considers the location information linked to the retained quality of network

connection information for the network to select the accessible network to which to connect.  
~~information.~~

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH AVELLINO can be reached on (571) 272-3905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/532,174  
Art Unit: 2454

Page 8

/M. M./  
Examiner, Art Unit 2454  
11/9/2010

/Joseph E. Avellino/  
Supervisory Patent Examiner, Art Unit 2454